

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the present amendments and following discussion, is respectfully requested.

Claims 1-15 are pending; Claims 3-6, 8-10, 13 and 15 are withdrawn from consideration; Claims 1, 11, 12 and 14 are amended; and no claims are newly added or canceled herewith. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claims 1, 7 and 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,585,039 to Sagal et al. in view of U.S. Patent No. 5,309,986 to Itoh; Claim 2 was rejected under 35 U.S.C. § 103(a) as unpatentable over Sagal in view of Itoh and further in view of U.S. 2004/0194944 A1 to Hendricks et al.; and Claims 12 and 14 were rejected under 35 U.S.C. § 103(a) as unpatentable over Sagal in view of Itoh and further in view of U.S. 2002/0195232 A1 to Katsui.

The applied art does not disclose or suggest a container including a heat input and heat output section and a groove configured to generate capillary force with a coolant in the container that is transferred as a liquid from the heat output section to the heat input section by the capillary force and transferred as a gas from the heat input section to the heat output section by gas pressure, as claimed in Claim 1 and similarly claimed in Claims 11, 12 and 14.

Instead, Sagal merely discloses a heat plate 12 with a phase change media 28 contained therein that has a layer of multiple thermally conductive material 14 molded there over. The heat pipe 20 can be affixed to a surface to be cooled with the upper surface 26 of the contact pad 24 mated with a surface to be cooled on one end X and the surface to dissipate the heat on the other end Y. As acknowledged in the outstanding Office Action at page 3, Sagal does not disclose capillary action. Despite this deficiency, the outstanding Office Action nonetheless finds that Itoh provides the features missing in Sagal.

However, Itoh merely discloses a heat pipe that includes an air tight container 1 and a heat carrier 2 sealed in the air tight container 1. A flat bottom wall 11 of the container serves as a heat receiving portion and a top wall 12 is located opposite to bottom wall 11. Liquid passage elements are provided for moving condensed heat carrier at a slant 2 and in parallel to the longitudinal access function by capillary action. That is, a plurality of grooves 15 is provided that extent diagonally with respect to the longitudinal access 16 and are formed on the inner surface of the bottom wall 11. Liquid condensed in the container 1 flow along the groove 15 by capillary action.

Moreover, it is respectfully submitted that there is no basis in the teachings of either Sagal or Itoh to support their applied combination. Certainly, the outstanding Office Action fails to cite to any specific teachings within either reference to support the applied combination. Accordingly, it is respectfully submitted that the combination of Sagal with Itoh is the result of hindsight reconstruction in view of the teachings of the present specification, and is improper.

As noted above, the combination of Sagal and Itoh fails to disclose or suggest the features of the independent claims. Because neither Hendricks nor Katsui is relied upon to provide the features identified as deficient in the applied combination discussed above, they are not substantially addressed herewith.

Consequently, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance for Claims 1, 2, 7, 11, 12, and 14 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact the undersigned representative at the below-listed telephone number.

Respectfully submitted,

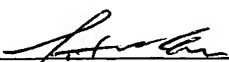
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